

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

**MEETING OF JUNE 10!11, 2015
.....BISHOP**

- ITEM:** 3
- SUBJECT:** **RESCISSION OF WASTE DISCHARGE REQUIREMENTS
BOARD ORDER NO. 6-95-60 FOR GARDNER RANCH, THE 2270
RANCH, NAMCO CAPITAL GROUP, KERN COUNTY**
- CHRONOLOGY:** June 8, 1995 Waste Discharge Requirements
Adopted (Board Order No. 6-95-60)
- ISSUE:** Should the Water Board rescind the Waste Discharge
Requirements issued to Gardner Ranch, the 2270 Ranch?
- DISCUSSION:** The Facility operations consisted of wastewater treatment plant
biosolids (sludge) applied as a soil amendment to irrigated
agricultural land west of Koehn Dry Lake, north of California City,
Kern Co.
- Groundwater data immediately south of the site from United States
Geological Survey suggests that groundwater is 250 to 270 below
ground surface. Biosolids application stopped in 2005. The
Dischargers, NAMCO Capital Group (landowner) and Mr. Gardner
(operator) went out of business. Since that time, no monitoring
reports or annual fees were provided. The property is now owned
by the City of Los Angeles which has no plans to discharge
biosolids. In February 2015, staff inspected the site and
determined no biosolids application is occurring and no irrigated
farming is being practiced on the property. The Facility no longer
poses a threat to water quality.
- Water Board staff has solicited comments from the current
landowner and interested stakeholders. Correspondence was
received from a partial property owner requesting to transfer the
board order to them. Water Board staff believes that the order
should be rescinded because:
1. The permit activities have been inactive and delinquent in
fees for ten years,
 2. Proposed new activities have not been defined nor reviewed,
 3. The order does not apply to the entire area owned by said
stakeholder, and
 4. Existing requirements are out of date and may not be applicable.

RECOMMENDATION: Adoption of Order as proposed.

ENCLOSURE	ITEM	BATE NUMBER
1	Board Order No. R6V-2015-Proposed	3-5
2	Late Correspondence and Staff Response	3-9

ENCLOSURE 1

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**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

**BOARD ORDER NO. R6V-2015-(PROPOSED)
WDID NO. 6B159412001**

**RESCISSION OF WASTE DISCHARGE REQUIREMENTS
BOARD ORDER NO. 6-95-60**

FOR

GARDNER RANCH, THE 2270 RANCH, NAMCO CAPITAL GROUP

_____ Kern County _____

The California Regional Water Quality Control Board, Lahontan Region (Water Board) finds:

1. Discharger: Board Order No 6-95-60 was adopted on June 8, 1995, establishing waste requirements for the discharge of digested sewage biosolids (sludge) for use as a soil amendment at the 2270 Ranch (Facility). NAMCO Capital Group (landowner) and Mr. Slick Gardner (operator) are referred to as Dischargers. The Dischargers stopped applying biosolids in 2005, went out of business, and at the same time stopped submitting self-monitoring reports and annual fees. The Dischargers cannot be located. The Order is no longer necessary and should be rescinded.
2. Reason for Action: The Order is no longer necessary and should be rescinded because the Dischargers stopped applying biosolids in 2005 and the Facility no longer poses a threat to water quality. Biosolids were applied to the ground in rows, spread with a scraper and incorporated into the soil by disking to eliminate odors for use as a soil amendment to irrigated farmland. The Dischargers went out of business in about 2005 and stopped submitting self-monitoring reports and annual fees.
3. Current Facility Conditions: On February 4, 2015, staff inspected the Facility and determined no biosolids application or irrigated farming currently occurs at the Facility. Staff accessed the United States Geological Survey database and determined the depth to groundwater at the Facility is about 250 feet below ground surface¹. The site is now owned by the City of Los Angeles², which has no plans to continue applying biosolids. This action is being taken to rescind Board Order No. 6-95-60 because the Facility no longer poses a threat to water quality, no further biosolids application will occur and property ownership has changed.
4. CEQA: Rescission of Board Order No. 6-95-60 is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), in accordance with Title 14, California Code of Regulations, Section 15321(a)(2).

¹ <http://nwis.waterdata.usgs.gov/nwis/gwlevels>

² <https://pqweb.parcelquest.com/#login>

5. Notification: It is in the public interest to rescind Board Order No. 6-95-60 for the reasons described above. The Water Board has notified the current land owners and interested persons and agencies of its intent to rescind the above WDRs.

IT IS HEREBY ORDERED that Board Order No. 6-95-60, be rescinded.

I, Patty Z. Kouyoumdijan, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region on June 10, 2015.

PATTY Z. KOUYOUMDIJAN
EXECUTIVE OFFICER

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ENCLOSURE 2

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Hurr, Ceph@Waterboards

From: Cass, Jehiel@Waterboards
Sent: Tuesday, May 19, 2015 7:19 PM
To: Jun Lee; Copeland, Patrice@Waterboards; Tyler, Tobi@Waterboards; Zimmerman, Jan@Waterboards; Coale, Robin@Waterboards
Cc: Lawrence Lin; Praveen Jha; Plaziak, Mike@Waterboards; Hurr, Ceph@Waterboards; Niemeyer, Kim@Waterboards; Copeland, Patrice@Waterboards
Subject: RE: FW: Aquahelio Management Inc
Attachments: Gardner Ranch - Arciero Ranches Rescission of WDRs; Proposed Rescission of WDRs for Gardner Ranch, The 2270 Ranch, Namco Capital Group

Jun – Having had no response from Aquahelio, we have scheduled to rescind the two waste discharge requirements that you reference during the Lahontan Board’s June 2015 meeting in Bishop. Attached are the Proposed Rescission orders. I do not believe it is appropriate to continue the 1995 orders allowing biosolids application for the following reasons.

- Neither fees nor monitoring reports for the existing orders have been received since 2003.
- A review of your biosolids application plan is necessary.
- The land ownership areas involved appears changed and you indicate will be further sub-divided.
- The monitoring program should be re-evaluated and would be modified.
- The requirements of the existing order may no longer apply and need to be re-assessed.
- Since 1995, additional findings would have to be made in an individual order.
- Due to changes in the project scope, additional environmental review may be required.

If you want to propose a new project to apply bio-solids, then a new report of waste discharge should be submitted. The initial application form is found at:

http://www.swrcb.ca.gov/publications_forms/forms/docs/form200.pdf

Another possibility is that State Board General Order 2000-10-DWQ may apply. See:

http://www.swrcb.ca.gov/board_decisions/adopted_orders/water_quality/2000/wqo2000-10.pdf

Regards- Jay

Jehiel (Jay) Cass
Senior Water Resources Control Engineer
South Lahontan Regulatory Unit
CA Regional Water Quality Control Board
Lahontan Region (6B)
14440 Civic Dr., Ste 200
Victorville CA 92392
phone: (760) 241-2434
fax: (760) 241-7308
email: jehiel.cass@waterboards.ca.gov
web: <http://www.waterboards.ca.gov/lahontan/>

Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations."

From: Jun Lee [mailto:junylee@gmail.com]
Sent: Tuesday, May 19, 2015 10:18 AM
To: Cass, Jehiel@Waterboards; Copeland, Patrice@Waterboards; Tyler, Tobi@Waterboards; Zimmerman, Jan@Waterboards; Coale, Robin@Waterboards
Cc: Lawrence Lin; Praveen Jha
Subject: Fwd: FW: Aquahelio Management Inc

All:

I recently joined AqualHelio as Director of Legal Affairs and it has come to my attention that a Request Board Order Transfer Form notice dated February 24, 2014 and associated reports have not been filed with the Board. AqualHelio underwent a significant change in management, and the addressee of the notice, Dr. David Kanani, is no longer with AqualHelio and other executive positions have been changed.

Current management of AqualHelio is reviewing the documents received from the Water Board last year (attached for your reference) and intends to complete and execute the same.

As some of you may know, AqualHelio suspended its solar / water extraction and water banking plans last year and will be selling some of the subject lands to 8Minutenergy for solar development. The remaining lands that are subject to Board Order no. 6B159412001 and 6B159301002 are intended to be used for agriculture and other agricultural - related uses.

As such, Aquahelio intends to maintain its Water Board permits and undertake full compliance with the Board orders. I would like to request a meeting at your offices next week in order to identify the best approach for AqualHelio to be fully compliant with the Board Orders. Thank you in advance for your assistance.

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Jun Y. Lee
Director of Legal Affairs
AqualHelio Resources, LLC and AqualHelio Management, Inc.

3785 Wilshire Boulevard, Unit 1911
Los Angeles, CA 90010

TEL (213)300-5220
FAX (213)607-3105

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